

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re:)	
)	Case No. 14bk45427
AEC ELECTRIC CORP.)	
)	Chapter 7
)	
Debtor.)	Honorable Timothy A. Barnes
)	

AMENDED FINDINGS OF FACT AND CONCLUSIONS OF LAW IN SUPPORT OF
ORDER AWARDING TO CARLSON DASH, LLC, ATTORNEYS FOR TRUSTEE, FOR
ALLOWANCE AND PAYMENT OF INTERIM COMPENSATION AND
REIMBURSEMENT OF EXPENSES

TOTAL FEES REQUESTED:	\$ 80,736.50	TOTAL COSTS REQUESTED:	\$ 3,400.11
TOTAL FEES REDUCED:	\$ 3,540.70	TOTAL COSTS REDUCED:	\$ 0.00
TOTAL FEES ALLOWED:	\$ 77,195.80 ✓	TOTAL COSTS ALLOWED:	\$ 3,400.11 ✓

TOTAL FEES AND COSTS ALLOWED: \$ 80,595.91

The attached time and expense entries have been underlined to reflect disallowance in whole or in part. The basis for each disallowance is reflected by numerical notations that appear on the left of each underlined entry. The numerical notations correspond to the enumerated paragraphs below.

(1) Computational or Typographical Error – TOTAL of disallowed amounts: \$ 872.00

The court denies the allowance of compensation for the following tasks because the amount of fees appears to be a computational or typographical error. Also, where there are two identical entries (same day, same tasks) for the same conference but different attorneys have indicated different time entries, the court will reduce all to the shortest time entry for the same conference.

(2) Lumping – TOTAL of disallowed amounts (10% of affected entries): \$ 59.70

The Court may impose a ten percent penalty on entries that appear to be “lumping.” The Court will reduce each entry marked as such per the penalty. *In re Wildman*, 72 B.R. 700, 709 (Bankr. N.D. Ill. 1987) (Schmetterer, J.) (“Applicants may not circumvent the minimum time requirement or any of the requirements of detail by “lumping” a bunch of activities into a single entry. [citation omitted]. Each type of service should be listed with the corresponding specific time allotment.”).

(3) Duplication of Services – TOTAL of disallowed amounts: \$ 2,259.00

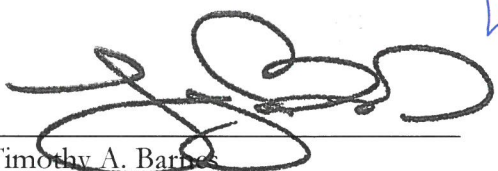
The Court denies the allowance of compensation for services that duplicate those of another professional or paraprofessional. *See* 11 U.S.C. § 330(a)(4)(A)(i). Reduction in fees is warranted if

multiple attorneys from the same firm appear in court on a motion or argument or for a conference, unless counsel adequately demonstrates that each attorney present contributed in some meaningful way. *In re Pettibone*, 74 B.R. 293, 307 (Bankr. N.D. Ill. 1987) (Schmetterer, J.) (“A debtor’s estate should not bear the burden of duplication of services. If found in the record, such duplication shall be disallowed by the court as unnecessary.”). It is also an accepted principle that generally no more than one attorney may bill for time spent in an intra-office conference or meeting absent an adequate explanation. See *In re Adventist Living Ctrs., Inc.*, 137 B.R. 701, 716 (Bankr. N.D. Ill. 1991) (Sonderby, J.); *In re Pettibone*, 74 B.R. at 303.

(4) Unreasonable Travel Time – TOTAL of disallowed amounts: \$ 350.00

The Court denies the allowance of compensation for travel time of a local firm.

Dated: November 18, 2015



Timothy A. Barnes
United States Bankruptcy Judge

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Copy of AEC Electric Corp. Bankruptcy- Trustee fees and costs thru 2015-08-31 Exhibit A

Date	Lwyr	Hours	Rate	Amount	Explanation
04/01/15	JMD	0.1	\$340.00	\$34.00	Review and consider communications with trustee regarding AEC bank debt and confer with J. Altshul regarding same.
04/13/15	JEA	0.2	\$350.00	\$70.00	Prepare correspondence to P. Levey regarding Northwestern responses.
04/16/15	JEA	0.2	\$350.00	\$70.00	Review multiple correspondence from P. Levey.
04/16/15	JEA	0.7	\$350.00	\$245.00	Communications and correspondence with P. Levey regarding Northwestern information (.5); conference with J. Dash regarding Northwestern materials (.2).
04/16/15	JMD	2.1	\$340.00	\$714.00	Initial assessment of information received from trustee and determine next steps of review to do it in the most cost-effective manner possible (.3); review Northwestern spreadsheets and attempt to correlate to AEC's records and e-mail correspondence to P. Levey regarding same (.8); receipt and review of correspondence with trustee P. Levey (.2); telephone conference with P. Levey (.3); continue review of data from Northwestern (.5).
04/16/15	KAI	1.1	\$110.00	\$121.00	Save secured documents to system.
04/21/15	JEA	0.3	\$350.00	\$105.00	Correspondence to P. Levey regarding receivables.
04/21/15	JMD	0.2	\$340.00	\$68.00	Review of receivables list for AEC and begin consideration of potential collection efforts.
04/27/15	JEA	0.6	\$350.00	\$210.00	Multiple correspondence with P. Levey regarding filings (.3); multiple correspondence with C. Baum and G. Hellwig regarding filings (.3).
04/28/15	JEA	1.3	\$350.00	\$455.00	Prepare multiple correspondence to P. Levey (.3); multiple correspondence to G. Hellwig (.2); review correspondence from S. Clar regarding life insurance policies (.2); additional correspondence to P. Levey regarding accounts receivable (non North Western and Fuller) (.3); communications with P. Levey (.3).
05/12/15	JMD	0.2	\$340.00	\$68.00	Correspondence to J. Altshul regarding strategy for May 13th hearing and review e-mail correspondence regarding same.
05/13/15	JMD	0.8	\$340.00	\$272.00	Review documents from opposing counsel J. Ziegler regarding motion to lift stay on smaller claims (.2); strategize on options regarding same (.4); correspondence to J. Altshul regarding same (.2).
06/01/15	JEA	1.4	\$350.00	\$490.00	Review lien claimants responses (.8); prepare and review multiple correspondence and communications with P. Levey regarding lien claimants (.4); review trustee filing of supplement (.2).
06/03/15	JEA	0.3	\$350.00	\$105.00	Conference with Northwestern attorney at court (.3).
06/04/15	JEA	0.2	\$350.00	\$70.00	Communications with P. Levey regarding hearing (.2).
06/04/15	JMD	0.5	\$340.00	\$170.00	Review incoming receivable documents (.2); draft demand letter regarding Naperville Animal Clinic (.3).
06/05/15	JEA	0.2	\$350.00	\$70.00	Prepare correspondence outlining objections regarding revised order.
06/08/15	JEA	0.7	\$350.00	\$245.00	Review revised order (.3); prepare and review multiple correspondence with P. Levey regarding revisions (.2); prepare and review multiple correspondence with J. Ziegler (.2).
06/09/15	JMD	1.0	\$340.00	\$340.00	Communications with J. Altshul regarding status of discussions with trustee and mechanic's lien claims (.2); finalize and send demand letter regarding Naperville Animal Clinic (.1); draft document rider for motion for Rule 2004 examination directed to mechanic's lien claimants (.7).
06/09/15	JEA	0.4	\$350.00	\$140.00	Review Naperville demand letter (.2); review revisions to draft order (.2).
06/16/15	JMD	0.8	\$340.00	\$272.00	Review of letter from general contractor on Naperville Animal Clinic project (.2); telephone conference with P. Levey regarding same (.2); telephone conference with attorney who prepared lien, G. Sang, regarding request for file and background (.2); follow-up e-mail regarding same (.1); call to general contractor's attorney to discuss (.1).
06/18/15	JMD	1.4	\$340.00	\$476.00	E-mail correspondence with P. Levey regarding results of calls to date regarding Naperville (.1); telephone conference with owner's counsel J. Ossyra regarding project and representation (.1); telephone conference with G. Valcour regarding receivable and information to send (.2); telephone conference with P. Levey regarding same (.1); receipt and review information from G. Sang, AEC's attorney regarding Naperville claim (.3); conference with J. Altshul regarding contact with E. Baba (.2); telephone conference with P. Levey regarding same and regarding Naperville work (.2); review accounts receivable data from P. Levey (.2).
06/18/15	JEA	0.4	\$350.00	\$140.00	Prepare and review multiple correspondence with P. Levey and J. Dash (.2); review multiple correspondence from J. Dash regarding Naperville (.2).
06/18/15	JMD	0.3	\$340.00	\$102.00	Receipt and initial review of materials from GeoSolar (customer on Naperville Animal Clinic) and communications with P. Levey and G. Valcour regarding same.
06/18/15	ALS	0.6	\$270.00	\$162.00	Review file in order to draft motions for Rule 2004 examinations of lien claimants (.4); begin to draft the same (.2).

Copy of AEC Electric Corp. Bankruptcy- Trustee fees and costs thru 2015-08-31 Exhibit A

Date	Lwyr	Hours	Rate	Amount	Explanation
06/19/15	JMD	0.3	\$340.00	\$102.00	Telephone conference with M. Rose (another mechanic's lien claimant counsel) regarding status and trustee positions.
06/19/15	ALS	2.3	\$270.00	\$621.00	Continue to draft Motions for Rule 2004 examinations of lien claimants.
06/22/15	JMD	0.4	\$340.00	\$136.00	Telephone conference with P. Levey regarding strategy for demand letters and potential effect on mechanic's lien claims, and related matters.
06/22/15	JEA	0.5	\$350.00	\$175.00	Review and revise motion for 2004 exam (.2); revise supplement (.3).
06/23/15	JMD	1.0	\$340.00	\$340.00	Draft demand letter to owner of Naperville Animal Clinic for undisputed funds and research regarding law on attorneys' fees for withholding of same (.5); prepare correspondence to P. Levey regarding same and revise to incorporate thoughts (.3); Call to opposing counsel J. Ossyra regarding same and finalize and send letter (.2).
06/24/15	ALS	0.4	\$270.00	\$108.00	Review Bright Electric's and Paramount E-O's second motions to modify stay.
06/25/15	JEA	2.0	\$350.00	\$700.00	Revise supplement (1.5); review motions for relief (.5).
06/26/15	ALS	2.1	\$270.00	\$567.00	Draft/revise motions for Rule 2004 examinations for Bright Electrical, G&W Electric, Paramount E-O (1.5); review court filings for further possible lien claimants for Rule 2004 motions (.3); cause motions to be prepared for filing and cause proposed orders to be drafted (.3).
06/26/15	JEA	0.2	\$350.00	\$70.00	Review and revise 2004 motions.
06/26/15	JMD	0.2	\$340.00	\$68.00	Telephone conference with M. Newman for Brook Electrical regarding motion to extend time and motions to lift stay.
06/29/15	JEA	0.3	\$350.00	\$105.00	Review motions to lift stay.
06/29/15	ALS	0.3	\$270.00	\$81.00	Telephone conference with counsel for Bright Electric and Paramount E-O in order to provide courtesy notice of filing of motions for Rule 2004 examination (.1); telephone conference with counsel for Brook Electrical in order to provide courtesy notice of filing of motion for Rule 2004 examination (.1); telephone conference with counsel for G&W Electric in order to provide courtesy notice of filing of motion for Rule 2004 examination (.1).
06/30/15	JEA	0.2	\$350.00	\$70.00	Conference with A. Sharp regarding hearing and new schedule.
06/30/15	ALS	0.8	\$270.00	\$216.00	Correspondence with J. Ziegler regarding availability for presentment of the trustee's motions for Rule 2004 examination (.2); prepare and review correspondence with counsel regarding the same (.2); cause amended notices of motion to be drafted and filed (.1); several correspondence with counsel for Bright and G&W regarding availability for presentment of trustee's motions for Rule 2004 examination (.3).
07/01/15	JMD	0.2	\$340.00	\$68.00	Communications with P. Levey regarding contact with E. Baba and pursuing G. Sierra for documents and information regarding Naperville.
07/01/15	JEA	0.2	\$350.00	\$70.00	Conference with J. Dash regarding Naperville.
07/02/15	JMD	0.7	\$340.00	\$238.00	Communications with P. Levey regarding contact with G. Sierra (former AEC project manager) (.1); telephone conference with former AEC employee G. Sierra regarding Naperville Animal Clinic matter (.4); follow-up e-mail regarding same (.2). Receipt and initial review of information from former AEC employee G. Sierra regarding Naperville Animal Clinic (.3); communications with P. Levey regarding same and regarding authority for compensation to G. Sierra to assist with AEC claim and process for communications regarding same (.3).
07/06/15	JMD	0.6	\$340.00	\$204.00	Prepare correspondence to P. Levey regarding Naperville.
07/06/15	JEA	0.2	\$350.00	\$70.00	Draft e-mail communications to G. Sierra regarding questions to ask before possible engagement regarding Naperville (.4); prepare memorandum to P. Levey regarding legal issue of enforceability of verbal change orders in construction contracts (.5); receipt and consideration of response from G. Sierra and further communications regarding total amount due to weigh economics of proceeding (.3); e-mail correspondence with P. Levey regarding same and authority to engage G. Sierra as consultant subject to limitations (.2).
07/07/15	JMD	1.4	\$340.00	\$476.00	Conference with J. Dash regarding Naperville Animal Hospital (.5); communications with P. Levey regarding accounts(.2).
07/07/15	JEA	0.7	\$350.00	\$245.00	Review case law cited in motion to lift the stay in order to address the same in the response.
07/07/15	ALS	1.7	\$270.00	\$459.00	Review accounts receivable and customer lists (.7); multiple correspondence and communications with P. Levey regarding accounts (.4); draft demand letter form (.3); research into priority of employee benefit plans question posed by P. Levey (.7).
07/08/15	JEA	2.1	\$350.00	\$735.00	

Copy of AEC Electric Corp. Bankruptcy- Trustee fees and costs thru 2015-08-31 Exhibit A

Date	Lwyr	Hours	Rate	Amount	Explanation
07/08/15	JMD	0.2	\$340.00	\$68.00	Consideration of issues regarding demand letter template for non-Northwestern projects and develop strategy regarding same.
07/08/15	ALS	3.6	\$270.00	\$972.00	Continued review of case law regarding statutorily designated core proceeding v. constitutional jurisdiction of Article I courts (1.5); draft response to Bright's motion for relief from the automatic stay (2.1).
07/09/15	ALS	1.4	\$270.00	\$378.00	Continue to draft response to Bright's motion to lift the automatic stay.
07/09/15	BRC	2.0	\$175.00	\$350.00	Draft demand letters regarding AEC's accounts receivable.
07/09/15	JEA	0.5	\$350.00	\$175.00	Review and revise drafts of demand letters.
07/10/15	ALS	5.1	\$270.00	\$1,377.00	Continue to draft response to Bright's motion to lift the automatic stay (2.7); review Brook Electrical's motion to lift the automatic stay in order to respond to the same, and draft response to the same (2.0); make suggested revisions to Bright's motion to lift the automatic stay (.4).
07/10/15	JEA	1.3	\$350.00	\$455.00	Revise replies to motions to lift stay (.6); prepare demand letters (.7).
07/13/15	JEA	0.3	\$350.00	\$105.00	Review and prepare multiple correspondence with P. Levey regarding Stowell & Olson.
07/13/15	JEA	3.2	\$350.00	\$1,120.00	Multiple communications and correspondence with P. Levey regarding accounts receivable (1.1); prepare and review multiple correspondence regarding F. Stowell (.2); communications with M. Ditman of F. Stowell & Sons (.3); communications and multiple correspondence with J. Baer of W.B. Olson (.7); draft receipt (.2); review Paramount response to 2004 exam request (.5); correspondence to P. Levey regarding response (.2).
07/13/15	JEA	0.4	\$350.00	\$140.00	Prepare multiple correspondence to P. Levey with reply's.
07/13/15	ALS	0.9	\$270.00	\$243.00	Review Bright's and Paramount E-O's response to trustee's routine motions for Rule 2004 examination and strategy regarding response to the same (.3); revise trustee's response to Bright's, and Brook's motions to lift the automatic stay (.1); draft/revise trustee's response to Paramount E-O's motion to lift the automatic stay (.5).
07/13/15	JMD	0.6	\$340.00	\$204.00	Review Naperville Animal Clinic status and call to owner attorney J. Ossyra regarding response to demand for payment of undisputed funds (.2); review and consideration of objections to Rule 2004 examinations by mechanic's lien claimants and strategy regarding same (.2); review correspondence with F.H. Stowell (general contractor) regarding payment and consideration of documentary needs and limitations to accept payment (.2).
07/14/15	JMD	0.3	\$340.00	\$102.00	Receipt of communications from National Heat & Power regarding lack of AEC sworn statements as prelude to payment and explanation of mechanic's lien law for client.
07/14/15	JEA	2.9	\$350.00	\$1,015.00	Prepare and review multiple correspondence with M. Ditman (.2); communications with National Heat (1.2); communications with M. Marriano of Marriano Underground (.2); review correspondence and exhibits from J. Bauer (.2) review W. B. Olson correspondence and payment claims (.5) communications with One Schiller (.2); correspondence to P. Levey regarding invoice for One Schiller (.2); conference with J. Dash regarding National Heat (.2).
07/14/15	JEA	1.0	\$350.00	\$350.00	Review motions for 2004 exam and response and prep for hearing (.5); review G&W Electric response (.5).
07/14/15	AB	0.0	\$240.00	\$0.00	Review response to motion rule 2004 exam filed by Bright Electrical Supply Co., Paramount-EO, Inc.
07/14/15	JMD	0.2	\$340.00	\$68.00	Telephone conference with M. Newman regarding settlement offer and begin communications channel with client regarding same.
07/15/15	JEA	1.4	\$350.00	\$490.00	Communications with P. Chin of Servicecom (.2); correspondence to P. Levey regarding accounts (.2); conference with J. Dash regarding National Heat (.2) review orders regarding 2004 motions (.2); review motion for relief filed by G&W Olson (.3); review response of Paramount to trustee's supplement (.3).
07/15/15	JMD	1.1	\$340.00	\$374.00	Receipt and consideration of communications regarding scope of discovery related to mechanic's lien claims and possible narrowing of same per Judge Barnes (.2); consultation with J. Altshul regarding mechanic's lien claim strategy and moving forward to bring to resolution (.5); receipt and consideration of e-mail correspondence from Naperville Animal Clinic attorney J. Ossyra regarding possible payment and respond to same (.2); e-mail correspondence to P. Levey regarding same (.2).
07/15/15	JEA	0.7	\$350.00	\$245.00	Conference with J. Dash regarding Brook Electrical offer, scope of document request, and Naperville next steps (.5); prepare and review correspondence to P. Levey regarding court hearing and Naperville matter (.2).

Copy of AEC Electric Corp. Bankruptcy- Trustee fees and costs thru 2015-08-31 Exhibit A

Date	Lwyr	Hours	Rate	Amount	Explanation
07/15/15	ALS	1.6	\$270.00	\$432.00	Review G&W's response to trustee's motion for Rule 2004 examination in preparation for presentment/hearing of trustee's motion for Rule 2004 examinations (.2); review Brook's response to trustee's motion for Rule 2004 examination in preparation for presentment/hearing of trustee's motion for Rule 2004 examinations (.2); prepare for presentment/hearing of trustee's motion for Rule 2004 examinations (.3); consult with J. Dash regarding narrowing scope of documents requested by trustee in Rule 2004 examinations, and required by judge (.2); consult with J. Dash and J. Altshul regarding strategy in order to draft adversary complaint regarding Naperville Hospital (.3); prepare trustee's responses to motions for relief from automatic stay of Bright, Brook Electrical, Paramount E-O, and G&W for filing and cause the same to be filed (.4).
07/16/15	JMD	0.2	\$340.00	\$68.00	Communications with J. Ziegler and J. Altshul regarding scope of document request and arrangements to discuss substance with J. Ziegler.
07/16/15	JMD	0.3	\$340.00	\$102.00	Communications with M. Newman regarding possible settlement.
07/16/15	JEA	1.6	\$350.00	\$560.00	Prepare multiple correspondence to P. Levey regarding accounts receivable and Northwestern University discovery (.5); multiple correspondence with J. Ziegler and R. Dettaan regarding discovery (.7); review correspondence from J. Stein (.2); communications with P. Levey (.2).
07/16/15	ALS	0.3	\$270.00	\$81.00	Review G&W's motion for relief from automatic stay and strategize regarding response.
07/17/15	KAI	0.5	\$110.00	\$55.00	Prepare initial draft of collections spreadsheet and call log.
07/17/15	ALS	0.1	\$270.00	\$27.00	Review docket to determine presentment date of G&W's motion for relief for stay and to determine filing of response to the same.
07/20/15	JMD	0.6	\$340.00	\$204.00	Communications with J. Ziegler regarding scope of document request per court hearing (.1); communications with all opposing counsel regarding same (.1); further communications with J. Ziegler regarding initial limits to non-Northwestern projects but reservation of rights regarding all requested documents (.4).
07/20/15	BRC	0.3	\$175.00	\$52.50	Phone calls to Riley Construction Company regarding accounts receivable.
07/20/15	JEA	6.2	\$350.00	\$2,170.00	Prepare and review multiple correspondence with P. Levey regarding payments, receipts and invoices (1.5); telephone calls regarding accounts receivable due to AEC: Klass Electric, Serivecom, Knudsen, One East Schiller, Combined Electrical, Rex Electrical, Mack Construction along with multiple correspondence and review of invoices regarding collection calls (4.5); review G&W Olson motion for relief (.2).
07/20/15	JMD	0.3	\$340.00	\$102.00	Receipt and consideration of small check on Naperville Animal Hospital from GeoSolar Energy Farm and correspondence with owner J. Ossyra regarding follow-up on payment of undisputed funds (.2); telephone conference with G. Valcour of GeoSolar regarding same (.1).
07/21/15	KAI	0.4	\$110.00	\$44.00	Assist J. Altshul on AEC invoices with open accounts receivable.
07/21/15	JEA	1.9	\$350.00	\$665.00	Multiple correspondence and communications with M. Rose regarding Metropolitan Pump Company (.4); communications and correspondence with J. Crow of Rex Construction (.4); multiple correspondence with P. Webber of Lend Lease regarding account (.3); prepare and review multiple correspondence with D. Bach of Power Construction (.4); communications with P. Duggan at Power Construction (.2); review correspondence from T. Chaffins of CBS Sports (.2).
07/21/15	JEA	2.9	\$350.00	\$1,015.00	Prepare correspondence to P. Levey regarding request for invoice copies and disputed claims (.9); review G&W Olson motion for relief from stay (.3); prepare correspondence to R. DeHaan regarding motion date (.3); communications with J. Shoufes at CJE (.2); communications with Mike at National Heat (.2); locate Klass invoices and prepare correspondence to Bettie at Klass Electrical (.5); National Heat invoices (.5).
07/22/15	JMD	0.3	\$340.00	\$102.00	Communications with M. Newman for Brook Electrical regarding request for documents in order to consider settlement, necessity of reviewing same before agreement and Brook's objections to production.
07/22/15	JEA	1.1	\$350.00	\$385.00	Review correspondence to P. Vanderwall of Knudsen (.2); prepare and review correspondence from D. Bach of Power construction (.4); communications with D. Wilson at Power Construction (.2); review multiple correspondence from M. Newman regarding discovery (.3).
07/23/15	JEA	2.2	\$350.00	\$770.00	Review motion to extend (.3); communications and correspondence with P. Levey regarding motion to extend (.4); conference with A. Sharp regarding response to motions to extend (.2); collection call to MEPIS and research on account (.3); prepare correspondence to J. Bauer with invoices and investigate Olson claim of payment (.5) review National Heat invoices (.3); communications with Mary at One E. Schiller (.2).